

TENTATIVE RULINGS for CIVIL LAW and MOTION

June 6, 2007

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. If no hearing is requested, the prevailing party must submit an order to the Court in accordance with Rule 3.1312 of the 2007 California Rules of Court. The Court does not have facilities for providing copies of the tentative rulings. However, copies will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Ten: (530) 406-6761

TENTATIVE RULING

Case: **O'Neill v. Patterson**

Case No. CV UD 07-608

Hearing Date: **June 6, 2007** **Department Ten** **8:30 a.m.**

Defendant's unopposed motion to compel discovery responses and for monetary sanctions is **GRANTED**.

Although a purported "Sur Reply" was filed by plaintiff on May 24, 2007, no opposition papers were ever filed with this court. Sur Reply briefs are not authorized by the Code of Civil Procedure and any such filing must be preceded by a specific request providing justification for the court to permit such a filing to be made. Full and complete verified responses without objections to the subject discovery requests shall be served by plaintiff within 10 days of notice of ruling. If full and complete verified responses have actually been served as plaintiff claims in her improper "Sur Reply," then defendant may notify plaintiff, at defendant's option, that the discovery responses need not be reserved.

Because plaintiff did not serve discovery responses until after the motion to compel was filed, discovery sanctions are appropriate. Plaintiff shall pay discovery sanctions of \$602.50 to defendant within 10 days of notice of ruling on this motion.